

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DENNIS KEITH SMITH,

:

Case No. 3:09-cv-449

Plaintiff,

District Judge Thomas M. Rose

-vs-

Magistrate Judge Michael R. Merz

MICHAEL J. ASTRUE,
COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

:

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #17), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that, pursuant to the fourth sentence of 42 U.S.C. Section 405(g), the Commissioner's decision that Plaintiff is not disabled is REVERSED and the matter is REMANDED to the Commissioner for additional administrative proceedings. This matter is hereby terminated on the Court's docket.

December 21, 2010.

**s/THOMAS M. ROSE*

Thomas M. Rose
United States District Judge